

TIMK 8507U1

Amendment Dated December 2, 2005

Reply to Office Action of September 7, 2005

**REMARKS**

Claims 6-8 and 12-21 are pending. Claims 6, 12, 16, 18, and 21 are rejected.

Claims 1-5, and 9-11 are cancelled. Claims 7,8, 13-15, 17, 19, and 20 are objected to.

**Rejection of Claims 6, 12, 16, 18, and 21 Under 35 U.S.C. §102.**

Claims 6, 12, 16, 18, and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,320,828 by *Grant* (hereafter referred to as "*Grant*").

Applicant traverses the rejection.

The MPEP states,

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

MPEP § 2131.

Contrary to the Examiner's statement that all elements of claims 6, 12, 16, 18, and 21 are disclosed in *Grant*, several elements are not.

The Examiner states that *Grant* discloses a "gerotor pump (16, 17) coupled with a speed reducer (not numbered) for receiving the torque at a reduced speed for pumping fluids." However, *Grant* does not disclose a pump of any kind, gerotor or otherwise. Rather, *Grant* discloses a gerotor speed reducer, which is not related structurally or functionally to the present invention. (Col. 3 lines 52-55 and Col. 4, lines

Page 9 of 11

TIMK 8507U1

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1-8). Specifically, element 16 is an outer gear and element 17 is a bushing, which *Grant* discloses as part of "Gerotor", or gear-within-gear", type of speed reducer." (Col. 4, lines 1-2) Moreover, *Grant* does not disclose any elements for pumping fluid at all. For example, there are no inlet or outlet ports and no fluid source.

The Examiner also states that *Grant* discloses a "sun roller (6) having an input end coupled with the motor (1) and having a first raceway; a planetary roller (7) having a second raceway; and an outer ring (5) having a third raceway eccentric to the first raceway." In contrast, *Grant* clearly states that element (6) is an "extension formed on the end of eccentric ring (5) toward the input shaft, and a ring gear (7) is formed or fixed therein". (Col. 3, lines 39-41). As such, Figs. 1 and 2 clearly show elements (5) and (6) being rigidly connected together as one component. For that reason, element (5) cannot be described as an outer ring having a third raceway eccentric to a first raceway of element 6, as argued by the Examiner. Also, by definition a "planetary roller" is located about a "sun roller". Oppositely, elements (5,6) are located about element (7). (Col. 3, lines 39-41). Therefore according to the Examiner's argument, the "sun roller (6)" is located about the "planetary roller (7)", which clearly is incorrect. What's more, *Grant* clearly discloses the ring gear (7) to be a *gear*, not a *roller*.

Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) is unsupported by the art and should be withdrawn.

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**Objection to Claims 7, 8, 13-15, 17, 19, and 20**

Claims 7, 8, 13-15, 17, 19, and 20 depend from respective base claims 6 and 12, and therefore, incorporate all of the subject matter of respective base claims 6 and 12. For the same reasons stated above, Applicant requests that Examiner withdraw the objection of claims 7, 8, 13-15, 17, 19, and 20.

**Conclusion.**

Applicant believes the above analysis and the amendments made herein overcome all of the Examiner's rejections and objections. Therefore, applicant respectfully submits that claims 6-8, and 12-21 constitute allowable subject matter and should be favorably considered by the Examiner, and issue a timely Notice of Allowance for those claims.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17, which may be required by this paper to Deposit Account 162201.

Respectfully submitted,

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Page 11 of 11